

ESTTA Tracking number: **ESTTA762640**Filing date: **08/04/2016**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Systemax, Inc.		
Entity	Corporation	Citizenship	New York
Address	11 Harbor Park Drive Port Washington, NY 11050 UNITED STATES		

Attorney information	Michael F. Sarney Moritt Hock & Hamroff LLP 450 Seventh Avenue New York, NY 10123 UNITED STATES msarney@moritthock.com, tbalducci@moritthock.com Phone:(212)239-2000
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**Applicant Information**

Application No	79180710	Publication date	07/12/2016
Opposition Filing Date	08/04/2016	Opposition Period Ends	08/11/2016
International Registration No.	1283638	International Registration Date	10/16/2015
Applicant	Atdec Pty Ltd Level 1  AUSTRALIA		

**Goods/Services Affected by Opposition**

Class 009. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Ergonomic monitor arms, desk mounted monitor arms, wall mounted monitor arms, slat wall mounted monitor arms, screen raising devices, namely, adjustable stands adapted for monitors and keyboard lifting mechanisms, namely, stands adapted for computer keyboards, all for use in supporting computer hardware; wall mountings adapted for television monitors; wall mountings adapted for computer monitors

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
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**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	3265407	Application Date	10/15/1997
Registration Date	07/17/2007	Foreign Priority Date	NONE

Word Mark	SYSTEMAX
Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1998/04/30 First Use In Commerce: 1998/04/30 Desktop computers, laptop computers, notebook computers, computer mice, computer keyboards and computer servers, each of which is used by a single computer [ ; ] * . * specifically excluded are the following [ ; ] * : * wire, cables, cords, connectors, wire patch cords, jacks, adaptors used to connect a computer to another computer or that are part of any computer network (whether or not any such cable, cord, wire patch connector, adaptor or other such device contains a microprocessor or any memory), including electrical wire for use in the telecommunications industry, fiber optic wire, cords and cables; telecommunications adaptors; fiber optic interconnection cables; telecommunications adaptors; telecommunications connectors, plugs, jacks and connecting blocks; telecommunications devices tat repeat, reshape, or reformat signals from data terminals and controllers; telecommunications brackets, clips and clamps to house and support cable and telecommunications equipment all distributed as a unit, and also including, computer networking and other networking, telecommunications and transmission devices and telecommunications and transmission devices and equipment, such as "Wi-Fi", WLANand MLAN equipment, as well as sensors,end points and connectivity equipment for building automated systems, as well as other products including but not limited telecommunications closets and residential distribution points, such as but not limited to racks, cabinets, closets, power supplies and jacks used with or for cable or cord; local cords, cables, and wiring necessary to obtain electrical power from a wall outlet or to connect asingle computer with a mouse, a printer, a keyboard, a monitor or a drive or CDburner

U.S. Registration No.	3534396	Application Date	10/15/1997
Registration Date	11/18/2008	Foreign Priority Date	NONE
Word Mark	SYSTEMAX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1998/02/00 First Use In Commerce: 1998/02/00 Computer monitors, each of which is used by a single computer; specifically excluded are the following; wire, cables, cords, connectors, wire patch cords, jacks, adaptors used to connect a computer to another computer or that are part of any computer network (whether or not any such cable, cord, wire patch connector, adaptor or other such device contains a microprocessor or any memory), includingelectrical wire for use in the telecommunications industry, fiber optic wire, cords and cables; telecommunications adaptors; fiber optic interconnection cables; telecommunications adaptors; telecommunications connectors, plugs, jacks and connecting blocks; telecommunications devices that repeat, reshape, or reformat signals from data terminals and controllers; telecommunications brackets, clips and clamps to house and support cable andtelecommunications equipment all distributed as a unit, and also including, computer networking and other networking, telecommunications and transmission devices and telecommunications and transmission devices and equipment, such as "Wi-Fi", WLAN and MLAN equipment, as well as sensors, end points and connectivity equipment for building automated systems, aswell as other products including but not limited telecommunications closets andresidential distribution points, such as but not Limited to racks, cabinets, closets, power supplies and jacks used with or for		

	cable or cord; local cords, cables, and wiring necessary to obtain electrical power from a wall outlet or to connect a single computer with a mouse, a printer, a keyboard, a monitor or a drive or CD burner
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U.S. Registration No.	4687764	Application Date	06/11/2014
Registration Date	02/17/2015	Foreign Priority Date	NONE
Word Mark	SYSTEMAX		
Design Mark			
Description of Mark	The mark consists of the wording "SYSTEMAX" in the color blue with a red arch extending above the wording. The wording "MAX" has white horizontal bars throughout.		
Goods/Services	Class 035. First use: First Use: 0 First Use In Commerce: 0 Online retail store services in the fields of consumer electronics, computers, computer peripherals, computer accessories, computer software, radios, satellite-radios and related accessories, home theater equipment, photographic equipment, cellular phones and accessories, telephones and accessories, house wares and household appliances, fax machines, video equipment, audio equipment, portable electronic devices and related accessories, home office products, imaging equipment, firewall network security appliances, removable data storage components, converters and adapters, network media players, inks and toners, electronic musical instruments, power protection devices, video games and video game software, videogame equipment and accessories, entertainment furniture, CDs, DVDs, CD and DVD burners, batteries, automotive audio equipment, digital photo frames		

U.S. Registration No.	4630759	Application Date	06/20/2013
Registration Date	11/04/2014	Foreign Priority Date	NONE
Word Mark	SYSTEMAX		
Design Mark			
Description of Mark	The mark consists of the wording "SYSTEMAX" in the color blue with a red arch extending above the wording.		
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 Computer peripherals, computer accessories, namely, computer mouse, keyboards, monitors, computer software for use in database management, radios, home theater equipment, namely, TVs, cameras; cellular phones; telephones; fax machines, video equipment and audio equipment, namely, stereos and speakers; batteries; portable electronic devices and related accessories,		

	namely, chargers; converters and power adapters, network media players; digital photo frames
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Attachments	86307091#TMSN.png( bytes ) 85964929#TMSN.png( bytes ) Notice of Opposition.pdf(473978 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/MFS/
Name	Michael F. Sarney
Date	08/04/2016

-----X		:
SYSTEMAX INC.,		:
Opposer,		:
		:
v.		:
ATDEC PTY LTD,		:
		:
Applicant.		:
-----X		:

Opposition No. \_\_\_\_\_

Serial No. 79/180,710

Published: July 12, 2016

In the matter of Application Serial No. 79/180,710 ("the '710 Application"), filed on October 16, 2015 by Atdec Pty Ltd, a Pty Ltd company organized in Australia, with an address at Level 1, 26 Castlereagh Street Liverpool, NSW 2170, Australia ("Applicant"), in International Class 09 seeking registration on the Principal Register of the trademark SYSTEMA in connection with various goods and services, including:

“Ergonomic monitor arms, desk mounted monitor arms, wall mounted monitor arms, slat wall mounted monitor arms, screen raising devices, namely, adjustable stands adapted for monitors and keyboard lifting mechanisms, namely, stands adapted for computer keyboards, all for use in supporting computer hardware; wall mountings adapted for television monitors; wall mountings adapted for computer monitors” in Class 09,

(“SYSTEMA” or the “Opposed Mark”), which application was published for opposition on July 12, 2016.

Systemax, Inc., a New York corporation with an address at 11 Harbor Park Drive, Port Washington, New York 11050 (“Opposer”), believes that it is or will be damaged by the registration of SYSTEMA Application No. 79/180,710 and hereby opposes registration of the mark on the following grounds:


1. Opposer is the owner of the SYSTEMAX mark and the common law rights thereto, as well as:

- Incontestable SYSTEMAX Registration No. 3265407 for, “Desktop computers, laptop computers, notebook computers, computer mice, computer keyboards and computer servers, each of which is used by a single computer. Specifically excluded are the following: wire, cables, cords, connectors, wire patch cords, jacks, adaptors used to connect a computer to another computer or that are part of any computer network (whether or not any such cable, cord, wire patch connector, adaptor or other such device contains a microprocessor or any memory), including electrical wire for use in the telecommunications industry, fiber optic wire, cords and cables; telecommunications adaptors; fiber optic interconnection cables; telecommunications adaptors; telecommunications connectors, plugs, jacks and connecting blocks; telecommunications devices t[h]at repeat, reshape, or reformat signals from data terminals and controllers; telecommunications brackets, clips and clamps to house and support cable and telecommunications equipment all distributed as a unit, and also including, computer networking and other networking,

telecommunications and transmission devices and telecommunications and transmission devices and equipment, such as "Wi-Fi", WLAN and MLAN equipment, as well as sensors, end points and connectivity equipment for building automated systems, as well as other products including but not limited telecommunications closets and residential distribution points, such as but not limited to racks, cabinets, closets, power supplies and jacks used with or for cable or cord; local cords, cables, and wiring necessary to obtain electrical power from a wall outlet or to connect a single computer with a mouse, a printer, a keyboard, a monitor or a drive or CD burner" in International Class 09;

- Incontestable SYSTEMAX Registration No. 3534396 for, "Computer monitors, each of which is used by a single computer; specifically excluded are the following; wire, cables, cords, connectors, wire patch cords, jacks, adaptors used to connect a computer to another computer or that are part of any computer network (whether or not any such cable, cord, wire patch connector, adaptor or other such device contains a microprocessor or any memory), including electrical wire for use in the telecommunications industry, fiber optic wire, cords and cables; telecommunications adaptors; fiber optic interconnection cables; telecommunications adaptors; telecommunications connectors, plugs, jacks and connecting blocks; telecommunications devices that repeat, reshape, or reformat signals from data terminals and controllers; telecommunications brackets, clips and clamps to house and support cable and telecommunications equipment all distributed as a unit, and also including,

computer networking and other networking, telecommunications and transmission devices and telecommunications and transmission devices and equipment, such as "Wi-Fi", WLAN and MLAN equipment, as well as sensors, end points and connectivity equipment for building automated systems, as well as other products including but not limited telecommunications closets and residential distribution points, such as but not Limited to racks, cabinets, closets, power supplies and jacks used with or for cable or cord; local cords, cables, and wiring necessary to obtain electrical power from a wall outlet or to connect a single computer with a mouse, a printer, a keyboard, a monitor or a drive or CD burner” in International Class 09;

-  Registration No. 4687764 for, “Online retail store services in the fields of consumer electronics, computers, computer peripherals, computer accessories, computer software, radios, satellite radios and related accessories, home theater equipment, photographic equipment, cellular phones and accessories, telephones and accessories, house wares and household appliances, fax machines, video equipment, audio equipment, portable electronic devices and related accessories, home office products, imaging equipment, firewall network security appliances, removable data storage components, converters and adapters, network media players, inks and toners, electronic musical instruments, power protection devices, video games and video game software, video game equipment and accessories,



entertainment furniture, CDs, DVDs, CD and DVD burners, batteries, automotive audio equipment, digital photo frames” in International Class 35;



- Registration No. 4630759 for, “Computer peripherals, computer accessories, namely, computer mouse, keyboards, monitors, computer software for use in database management, radios, home theater equipment, namely, TVs, cameras; cellular phones; telephones; fax machines, video equipment and audio equipment, namely, stereos and speakers; batteries; portable electronic devices and related accessories, namely, chargers; converters and power adapters, network media players; digital photo frames” in in International Class 09,

hereinafter individually and collectively referred to as the “SYSTEMAX Mark” (See Exhibit 1).

2. Opposer, and/or its predecessor, adopted and has continuously used its SYSTEMAX Mark in connection with computer monitors, desktop computers, laptop computers, notebook computers, computer mice, computer keyboards, and computer servers since at least as early as 1998, which is more than sixteen (16) years prior to the filing date of Applicant’s SYSTEMA application.

3. Through Opposer's long and continuous use of its SYSTEMAX Mark, consumers have come to know and recognize the SYSTEMAX Mark as identifying goods and services which originate with, are authorized by, or otherwise identify, Opposer. The SYSTEMAX Mark is therefore symbolic of the substantial good will and consumer recognition that Opposer has established in connection with the goods and services it provides thereunder, and that is associated therewith.

4. Opposer's aforementioned trademark registrations are evidence of its priority and exclusive right to use its SYSTEMAX mark in connection with the goods and services identified therein.

5. Applicant's use and/or application to register the confusingly similar mark SYSTEMA in connection with, "ergonomic monitor arms, desk mounted monitor arms, wall mounted monitor arms, slat wall mounted monitor arms, screen raising devices, namely, adjustable stands adapted for monitors and keyboard lifting mechanisms, namely, stands adapted for computer keyboards, all for use in supporting computer hardware; wall mountings adapted for television monitors; wall mountings adapted for computer monitors" in Class 09, constitutes use of and/or application to register a mark confusingly similar to Opposer's SYSTEMAX Mark, within the meaning of Section 2(d) of the Trademark Act of 1946, 15 U.S.C. §1052(d), as amended. Applicant's SYSTEMA mark shares all 6 of its letters with the Opposer's SYSTEMAX mark, in identical order, with only the final letter of the Opposer's mark, "X", differentiating the two. As the entirety of the Applicant's mark, SYSTEMA, is identical to the predominant portion of and majority of letters in the Opposer's mark, it is likely to be perceived by purchasers and/or consumers as either a variation or another of Opposer's SYSTEMAX marks. Moreover, the recited goods in Applicant's applied-for mark are identical and/or related to the products and services marketed and offered by Opposer under its SYSTEMAX Mark.

6. Applicant's SYSTEMA mark is likely to be confused with Opposer's SYSTEMAX Mark insofar as the average purchaser is likely to be confused and deceived into believing that Applicant's goods and services originate with Opposer, or are in some way associated with, connected, sponsored or authorized by, Opposer.

7. Insofar as some of the recited services or goods are arguably not identical, consumers are likely to believe that Opposer has “bridged the gap” or expanded to additional related and/or complimentary services or goods within Opposer’s Natural Zone of Expansion, creating a likelihood of confusion between the Opposer’s SYSTEMAX Mark and the Applicant’s SYSTEMA mark.

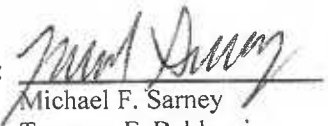
8. For the foregoing reasons, Opposer will be damaged, and will suffer injury to its goodwill and reputation, as symbolized by and embodied in its SYSTEMAX mark, by the registration of Applicant’s proposed SYSTEMA mark that is the subject of the ‘710 Application.

WHEREFORE, Opposer requests that this opposition be sustained and that the ‘710 Application be refused registration in relation to all of the applied-for goods and services in Classes 09.

Dated: August 4, 2016

Respectfully submitted,

**MORITT HOCK & HAMROFF LLP**  
Attorneys for Opposer

By:   
Michael F. Sarney  
Tommas F. Balducci  
450 Seventh Avenue  
New York, New York 10123  
Tel: (212) 239-2000  
(Our Ref.: N-1165.019)

**CERTIFICATE OF SERVICE**

I, Tommas F. Balducci, hereby certify that a copy of the foregoing **NOTICE OF OPPOSITION** was served via First-Class Mail, postage prepaid, on the date indicated below, to the following:

Viktoria Kulikova  
Level 1,  
26 Castlereagh St  
Liverpool NSW 2170 AUSTRALIA

Dated: August 4, 2016



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Tommas F. Balducci

# Exhibit 1

**Generated on:** This page was generated by TSDR on 2016-08-04 11:02:57 EDT

**Mark:** SYSTEMAX

**US Serial Number:** 75373437

**Application Filing Date:** Oct. 15, 1997

**US Registration Number:** 3534396

**Registration Date:** Nov. 18, 2008

**Register:** Principal

**Mark Type:** Trademark

**Status:** A Sections 8 and 15 combined declaration has been accepted and acknowledged.

**Status Date:** Aug. 09, 2014

**Publication Date:** Nov. 14, 2000

**Notice of Allowance Date:** Oct. 03, 2006

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## Mark Information

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**Mark Literal Elements:** SYSTEMAX

**Standard Character Claim:** No

**Mark Drawing Type:** 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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## Related Properties Information

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**Parent Of:** 75983590

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## Goods and Services

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**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

**For:** Computer monitors, each of which is used by a single computer; specifically excluded are the following; wire, cables, cords, connectors, wire patch cords, jacks, adaptors used to connect a computer to another computer or that are part of any computer network (whether or not any such cable, cord, wire patch connector, adaptor or other such device contains a microprocessor or any memory), including electrical wire for use in the telecommunications industry, fiber optic wire, cords and cables; telecommunications adaptors; fiber optic interconnection cables; telecommunications adaptors; telecommunications connectors, plugs, jacks and connecting blocks; telecommunications devices that repeat, reshape, or reformat signals from data terminals and controllers; telecommunications brackets, clips and clamps to house and support cable and telecommunications equipment all distributed as a unit, and also including, computer networking and other networking, telecommunications and transmission devices and telecommunications and transmission devices and equipment, such as "Wi-Fi", WLAN and MLAN equipment, as well as sensors, end points and connectivity equipment for building automated systems, as well as other products including but not limited telecommunications closets and residential distribution points, such as but not limited to racks, cabinets, closets, power supplies and jacks used with or for cable or cord; local cords, cables, and wiring necessary to obtain electrical power from a wall outlet or to connect a single computer with a mouse, a printer, a keyboard, a monitor or a drive or CD burner

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 038

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Feb. 1998

**Use in Commerce:** Feb. 1998

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## Basis Information (Case Level)

<b>Filed Use:</b> No	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

## Current Owner(s) Information

**Owner Name:** Systemax, Inc.  
**Owner Address:** 11 Harbor Park Drive  
New York, NEW YORK 11050  
UNITED STATES  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** NEW YORK

## Attorney/Correspondence Information

### Attorney of Record - None Correspondent

**Correspondent Name/Address:** General Counsel  
Systemax, Inc.  
11 Harbor Park Drive  
New York, NEW YORK 11050  
UNITED STATES

**Phone:** (516) 608-7612

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Aug. 09, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - MAILED	
Aug. 09, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76293
Aug. 07, 2014	TEAS SECTION 8 & 15 RECEIVED	
Aug. 07, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 03, 2012	PETITION TO DIRECTOR - DISMISSED	73373
Jun. 28, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 28, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 06, 2012	ASSIGNED TO PETITION STAFF	73373
Apr. 30, 2012	TEAS PETITION TO DIRECTOR RECEIVED	1111
Nov. 02, 2011	POST REGISTRATION ACTION MAILED - SEC. 7	76293
Sep. 08, 2011	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Mar. 23, 2011	POST REGISTRATION ACTION MAILED - SEC. 7	76293
Mar. 11, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
Nov. 19, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Nov. 19, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Nov. 04, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70132
Oct. 28, 2010	TEAS SECTION 7 REQUEST RECEIVED	
Nov. 18, 2008	REGISTERED-PRINCIPAL REGISTER	
Oct. 10, 2008	LAW OFFICE REGISTRATION REVIEW COMPLETED	74221
Oct. 01, 2008	ASSIGNED TO LIE	74221
Sep. 23, 2008	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 23, 2008	ASSIGNED TO EXAMINER	68356
Sep. 17, 2008	STATEMENT OF USE PROCESSING COMPLETE	76874
Sep. 12, 2008	USE AMENDMENT FILED	76874

Sep. 17, 2008	EXTENSION 4 GRANTED	76874
Sep. 11, 2008	EXTENSION 4 FILED	76874
Sep. 17, 2008	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76874
Sep. 12, 2008	TEAS STATEMENT OF USE RECEIVED	
Sep. 11, 2008	TEAS EXTENSION RECEIVED	
Mar. 31, 2008	EXTENSION 3 GRANTED	76874
Mar. 11, 2008	EXTENSION 3 FILED	76874
Mar. 11, 2008	TEAS EXTENSION RECEIVED	
Oct. 10, 2007	EXTENSION 2 GRANTED	76784
Sep. 27, 2007	EXTENSION 2 FILED	76784
Sep. 27, 2007	TEAS EXTENSION RECEIVED	
Apr. 23, 2007	DIVISIONAL PROCESSING COMPLETE	
Mar. 09, 2007	DIVISIONAL REQUEST RECEIVED	
Apr. 01, 2007	EXTENSION 1 GRANTED	76873
Mar. 05, 2007	EXTENSION 1 FILED	76873
Mar. 09, 2007	PAPER RECEIVED	
Mar. 05, 2007	TEAS EXTENSION RECEIVED	
Oct. 03, 2006	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 02, 2006	ASSIGNED TO EXAMINER	68356
Jun. 06, 2006	PAPER RECEIVED	
Aug. 21, 2006	OPPOSITION TERMINATED NO. 999999	122396
Apr. 27, 2001	OPPOSITION INSTITUTED NO. 999999	122396
Dec. 11, 2000	EXTENSION OF TIME TO OPPOSE RECEIVED	
Nov. 14, 2000	PUBLISHED FOR OPPOSITION	
Oct. 13, 2000	NOTICE OF PUBLICATION	
Sep. 13, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 11, 1999	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Mar. 11, 1999	LETTER OF SUSPENSION MAILED	
Feb. 16, 1999	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Aug. 17, 1998	NON-FINAL ACTION MAILED	
Jul. 15, 1998	ASSIGNED TO EXAMINER	74825

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

## TM Staff and Location Information

TM Staff Information - None

File Location

**Current Location:** TMEG LAW OFFICE 107

**Date in Location:** Aug. 09, 2014

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 2

**Registrant:** Systemax, Inc.

### Assignment 1 of 2

**Conveyance:** SECURITY AGREEMENT

**Reel/Frame:** [2323/0680](#)

**Pages:** 5

**Date Recorded:** Jun. 28, 2001

**Supporting Documents:** [assignment-tm-2323-0680.pdf](#)

### Assignor

**Name:** [SYSTEMAX INC.](#)

**Execution Date:** Jun. 13, 2001



**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Assignee**

**Name:** [CHASE MANHATTAN BANK, THE](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** NEW YORK

**Address:** 1166 AVENUE OF THE AMERICAS, 16TH FL.  
NEW YORK, NEW YORK 10036

**Correspondent**

**Correspondent Name:** FEDERAL RESEARCH CORPORATION

**Correspondent Address:** TERRELL J. ROBERTS  
400 SEVENTH AVENUE, N.W.  
SUITE 101  
WASHINGTON, DC 20004

**Domestic Representative - Not Found**

**Assignment 2 of 2**

**Conveyance:** ASSIGNMENT OF SECURITY INTEREST

**Reel/Frame:** [3190/0535](#)

**Pages:** 7

**Date Recorded:** Nov. 08, 2005

**Supporting Documents:** [assignment-tm-3190-0535.pdf](#)

**Assignor**

**Name:** [THE CHASE MANHATTAN BANK](#)

**Execution Date:** Oct. 27, 2005

**Legal Entity Type:** NATIONAL BANKING ASSOCIATION

**State or Country Where Organized:** No Place Where Organized Found

**Assignee**

**Name:** [JPMORGAN CHASE BANK, N.A., AS AGENT](#)

**Legal Entity Type:** ASSOCIATION-NATIONAL

**State or Country Where Organized:** No Place Where Organized Found

**Address:** 1166 AVENUE OF THE AMERICAS, 16 FLOOR  
NEW YORK, NEW YORK 10036

**Correspondent**

**Correspondent Name:** CBCINNOVIS DBA FEDERAL RESEARCH

**Correspondent Address:** 1023 FIFTEENTH STREET, NW, SUITE 401  
ATTN: PENELOPE J.A. AGODOA  
WASHINGTON, DC 20005

**Domestic Representative - Not Found**

**Proceedings**

**Summary**

**Number of Proceedings:** 2

**Type of Proceeding: Opposition**

**Proceeding Number:** [91197987](#)

**Filing Date:** Dec 23, 2010

**Status:** Terminated

**Status Date:** Nov 30, 2011

**Interlocutory Attorney:** ROBERT COGGINS

**Defendant**

**Name:** Harmonics Limited, LLC

**Correspondent Address:** DAVID G OBERDICK  
MEYER UNKOVIC & SCOTT LLP  
535 SMITHFIELD STREET, SUITE 1300  
PITTSBURGH PA , 15222-2300  
UNITED STATES

Correspondent e-mail: [dgo@muslaw.com](mailto:dgo@muslaw.com) , [tma@muslaw.com](mailto:tma@muslaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SYSTEMAX	Registered	<a href="#">77812096</a>	<a href="#">4078477</a>
Plaintiff(s)			

**Name:** Systemax, Inc.

**Correspondent Address:** LAURA GOLDBARD GEORGE  
STROOK & STROOK & LAVAN LLP  
180 MAIDEN LANE  
NEW YORK NY , 10038-4982  
UNITED STATES

Correspondent e-mail: [lgoldbard@stroock.com](mailto:lgoldbard@stroock.com) , [tn@stroock.com](mailto:tn@stroock.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SYSTEMAX	Section 8 and 15 - Accepted and Acknowledged	<a href="#">75983590</a>	<a href="#">3265407</a>
SYSTEMAX	Section 8 and 15 - Accepted and Acknowledged	<a href="#">75373437</a>	<a href="#">3534396</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 23, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 23, 2010	Feb 01, 2011
3	PENDING, INSTITUTED	Dec 23, 2010	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jan 25, 2011	
5	EXTENSION OF TIME GRANTED	Jan 25, 2011	
6	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 01, 2011	
7	EXTENSION OF TIME GRANTED	Apr 01, 2011	
8	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	May 31, 2011	
9	EXTENSION OF TIME GRANTED	May 31, 2011	
10	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jul 27, 2011	
11	EXTENSION OF TIME GRANTED	Jul 28, 2011	
12	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 29, 2011	
13	EXTENSION OF TIME GRANTED	Aug 29, 2011	
14	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Oct 28, 2011	
15	EXTENSION OF TIME GRANTED	Oct 28, 2011	
16	WITHDRAWAL OF OPPOSITION	Nov 29, 2011	
17	BD'S DECISION: DISMISSED W/O PREJUDICE	Nov 30, 2011	
18	TERMINATED	Nov 30, 2011	

**Type of Proceeding: Opposition**

**Proceeding Number:** [91122396](#)

**Filing Date:** Apr 03, 2001

**Status:** Terminated

**Status Date:** Apr 27, 2001

**Interlocutory Attorney:** CHERYL A BUTLER

**Defendant**

**Name:** SYSTEMAX, INC.

**Correspondent Address:** LAURA E. GOLDBARD  
STROOCK & STROOCK & LAVAN LLP  
180 MAIDEN LANE  
NEW YORK NY , 10038  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SYSTEMAX	Section 8 and 15 - Accepted and Acknowledged	<a href="#">75373437</a>	<a href="#">3534396</a>
Plaintiff(s)			

**Name:** COMMSCOPE SOLUTIONS PROPERTIES, LLC

**Correspondent** John H. Thomas

**Address:** John H Thomas PC  
536 Granite Avenue  
Richmond VA , 23226  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SYSTIMAX	Renewed	<a href="#">74001018</a>	<a href="#">1644744</a>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 03, 2001	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 27, 2001	Jun 06, 2001
3	PENDING, INSTITUTED	Apr 27, 2001	
4	PL'S MOTION TO CONSOLIDATE	May 31, 2001	
5	DEF'S NOTICE OF DEFAULT	Sep 24, 2001	
6	DEF'S #5 RETURNED UNDELIVERABLE	Oct 29, 2001	
7	DEF'S ANSWER	Nov 07, 2001	
8	DEF'S STIP. REQUEST FOR EXT.	Nov 13, 2001	
9	CONSOLIDATED W/121,154	Apr 04, 2002	
10	DEF'S MOTION TO INTERVENE	Mar 25, 2002	
11	DATES REMAIN AS SET IN 4/04/02 ORDER	Jun 14, 2002	
12	WITHDRAWAL OF OPPOSITION	Jun 08, 2006	
13	STIPULATION FOR AN EXTENSION OF TIME	Jun 20, 2006	
14	STIPULATION FOR AN EXTENSION OF TIME	Jul 14, 2006	
15	BD'S DECISION: DISMISSED W/ PREJUDICE	Aug 17, 2006	
16	TERMINATED	Aug 21, 2006	

**Generated on:** This page was generated by TSDR on 2016-08-04 11:02:39 EDT

**Mark:** SYSTEMAX

**US Serial Number:** 75983590

**Application Filing Date:** Oct. 15, 1997

**US Registration Number:** 3265407

**Registration Date:** Jul. 17, 2007

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** A Sections 8 and 15 combined declaration has been accepted and acknowledged.

**Status Date:** Jun. 29, 2013

**Publication Date:** Nov. 14, 2000

**Notice of Allowance Date:** Oct. 03, 2006

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## Mark Information

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**Mark Literal Elements:** SYSTEMAX

**Standard Character Claim:** No

**Mark Drawing Type:** 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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## Related Properties Information

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**Child Of:** 75373437

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## Goods and Services

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**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

**For:** Desktop computers, laptop computers, notebook computers, computer mice, computer keyboards and computer servers, each of which is used by a single computer [ ; ] \*.\* specifically excluded are the following [ ; ] \* : \* wire, cables, cords, connectors, wire patch cords, jacks, adaptors used to connect a computer to another computer or that are part of any computer network (whether or not any such cable, cord, wire patch connector, adaptor or other such device contains a microprocessor or any memory), including electrical wire for use in the telecommunications industry, fiber optic wire, cords and cables; telecommunications adaptors; fiber optic interconnection cables; telecommunications adaptors; telecommunications connectors, plugs, jacks and connecting blocks; telecommunications devices that repeat, reshape, or reformat signals from data terminals and controllers; telecommunications brackets, clips and clamps to house and support cable and telecommunications equipment all distributed as a unit, and also including, computer networking and other networking, telecommunications and transmission devices and telecommunications and transmission devices and equipment, such as "Wi-Fi", WLAN and MLAN equipment, as well as sensors, end points and connectivity equipment for building automated systems, as well as other products including but not limited to telecommunications closets and residential distribution points, such as but not limited to racks, cabinets, closets, power supplies and jacks used with or for cable or cord; local cords, cables, and wiring necessary to obtain electrical power from a wall outlet or to connect a single computer with a mouse, a printer, a keyboard, a monitor or a drive or CD burner

**International** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 038

**Class(es):**

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Apr. 30, 1998

**Use in Commerce:** Apr. 30, 1998

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** Yes

**Amended Use:** No

**Filed ITU:** Yes

**Currently ITU:** No

**Amended ITU:** No

**Filed 44D:** No

**Currently 44D:** No

**Amended 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Amended 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** Systemax, Inc.

**Owner Address:** 11 Harbor Park Drive  
Port Washington, NEW YORK UNITED STATES 11050

**Legal Entity Type:** CORPORATION

**State or Country** NEW YORK  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** LAURA E GOLDBARD

**Docket Number:** 357032/147

### Correspondent

**Correspondent Name/Address:** Claudia Valera  
Systemax, Inc.  
11 Harbor Park Drive  
Port Washington, NEW YORK UNITED STATES 11050

**Phone:** (305) 415-4403

**Fax:** (305) 415-4404

**Correspondent e-mail:** [claudia.valera@syx.com](mailto:claudia.valera@syx.com) [claudia.valera@syx.com](mailto:claudia.valera@syx.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Jul. 17, 2016	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jun. 29, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jun. 29, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	69471
Jun. 29, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Jun. 17, 2013	TEAS SECTION 8 & 15 RECEIVED	
Jun. 17, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 26, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 26, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Nov. 05, 2010	CERTIFICATE OF CORRECTION ISSUED	73376
Nov. 04, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	73376
Oct. 28, 2010	TEAS SECTION 7 REQUEST RECEIVED	
Jul. 17, 2007	REGISTERED-PRINCIPAL REGISTER	
Jun. 11, 2007	CASE FILE IN TICRS	
May 26, 2007	LAW OFFICE REGISTRATION REVIEW COMPLETED	74221
May 18, 2007	ASSIGNED TO LIE	74221
May 03, 2007	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 27, 2007	NOTICE OF DIVIDED TRADEMARK APPLICATION MAILED	
Apr. 24, 2007	ASSIGNED TO EXAMINER	74825

Apr. 23, 2007	STATEMENT OF USE PROCESSING COMPLETE	76873
Mar. 09, 2007	USE AMENDMENT FILED	76873
Apr. 23, 2007	DIVISIONAL PROCESSING COMPLETE	
Mar. 09, 2007	DIVISIONAL REQUEST RECEIVED	
Apr. 01, 2007	EXTENSION 1 GRANTED	76873
Mar. 05, 2007	EXTENSION 1 FILED	76873
Mar. 09, 2007	PAPER RECEIVED	
Mar. 05, 2007	TEAS EXTENSION RECEIVED	
Oct. 03, 2006	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 02, 2006	ASSIGNED TO EXAMINER	68356
Jun. 06, 2006	PAPER RECEIVED	
Aug. 21, 2006	OPPOSITION TERMINATED NO. 999999	122396
Apr. 27, 2001	OPPOSITION INSTITUTED NO. 999999	122396
Dec. 11, 2000	EXTENSION OF TIME TO OPPOSE RECEIVED	
Nov. 14, 2000	PUBLISHED FOR OPPOSITION	
Oct. 13, 2000	NOTICE OF PUBLICATION	
Sep. 13, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 11, 1999	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Mar. 11, 1999	LETTER OF SUSPENSION MAILED	
Feb. 16, 1999	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Aug. 17, 1998	NON-FINAL ACTION MAILED	
Jul. 15, 1998	ASSIGNED TO EXAMINER	74825

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Change in Registration:** Yes

**Correction made to Registration:** In the Statement, Column 1, line 8, the semicolon, should be deleted, and, a period, should be inserted, and In the Statement, Column 1, line 9, the semicolon, should be deleted, and, a colon, should be inserted.

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** TMEG LAW OFFICE 103

**Date in Location:** Jun. 29, 2013

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 1

**Registrant:** Systemax, Inc.

### Assignment 1 of 1

**Conveyance:** SECURITY INTEREST

**Reel/Frame:** [4512/0033](#)

**Pages:** 18

**Date Recorded:** Apr. 01, 2011

**Supporting Documents:** [assignment-tm-4512-0033.pdf](#)

### Assignor

**Name:** [SYSTEMAX INC.](#)

**Execution Date:** Mar. 28, 2011

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Name:** [GLOBAL COMPUTER SUPPLIES INC.](#)

**Execution Date:** Mar. 28, 2011

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** NEW YORK

<b>Name:</b> <a href="#">GLOBAL EQUIPMENT COMPANY INC.</a>	<b>Execution Date:</b> Mar. 28, 2011
<b>Legal Entity Type:</b> CORPORATION	<b>State or Country Where Organized:</b> NEW YORK
<b>Name:</b> <a href="#">PROFIT CENTER SOFTWARE INC.</a>	<b>Execution Date:</b> Mar. 28, 2011
<b>Legal Entity Type:</b> CORPORATION	<b>State or Country Where Organized:</b> NEW YORK
<b>Name:</b> <a href="#">TIGERDIRECT, INC.</a>	<b>Execution Date:</b> Mar. 28, 2011
<b>Legal Entity Type:</b> CORPORATION	<b>State or Country Where Organized:</b> FLORIDA
<b>Name:</b> <a href="#">ONREBATE.COM INC.</a>	<b>Execution Date:</b> Mar. 28, 2011
<b>Legal Entity Type:</b> CORPORATION	<b>State or Country Where Organized:</b> DELAWARE
<b>Name:</b> <a href="#">SYX SERVICES INC.</a>	<b>Execution Date:</b> Mar. 28, 2011
<b>Legal Entity Type:</b> CORPORATION	<b>State or Country Where Organized:</b> DELAWARE
<b>Name:</b> <a href="#">STREAK PRODUCTS INC.</a>	<b>Execution Date:</b> Mar. 28, 2011
<b>Legal Entity Type:</b> CORPORATION	<b>State or Country Where Organized:</b> DELAWARE
<b>Name:</b> <a href="#">NEW COMEUSA CORP.</a>	<b>Execution Date:</b> Mar. 28, 2011
<b>Legal Entity Type:</b> CORPORATION	<b>State or Country Where Organized:</b> DELAWARE
<b>Name:</b> <a href="#">CIRCUITCITY.COM INC.</a>	<b>Execution Date:</b> Mar. 28, 2011
<b>Legal Entity Type:</b> CORPORATION	<b>State or Country Where Organized:</b> DELAWARE
<b>Assignee</b>	
<b>Name:</b> <a href="#">JPMORGAN CHASE BANK, N.A., AS AGENT</a>	
<b>Legal Entity Type:</b> ASSOCIATION	<b>State or Country Where Organized:</b> UNITED STATES
<b>Address:</b> 270 PARK AVENUE 44TH FLOOR NEW YORK, NEW YORK 10017	
<b>Correspondent</b>	
<b>Correspondent Name:</b> CORPORATION SERVICE COMPANY	
<b>Correspondent Address:</b> 1090 VERMONT AVENUE NW, SUITE 430 WASHINGTON, DC 20005	
<b>Domestic Representative - Not Found</b>	
<b>Proceedings</b>	
<b>Summary</b>	
<b>Number of Proceedings:</b> 1	
<b>Type of Proceeding: Opposition</b>	
<b>Proceeding Number:</b> <a href="#">91197987</a>	<b>Filing Date:</b> Dec 23, 2010
<b>Status:</b> Terminated	<b>Status Date:</b> Nov 30, 2011
<b>Interlocutory Attorney:</b> ROBERT COGGINS	
<b>Defendant</b>	
<b>Name:</b> Harmonics Limited, LLC	
<b>Correspondent Address:</b> DAVID G OBERDICK MEYER UNKOVIC & SCOTT LLP 535 SMITHFIELD STREET, SUITE 1300 PITTSBURGH PA UNITED STATES , 15222-2300	

Correspondent e-mail: [dgo@muslaw.com](mailto:dgo@muslaw.com) , [tma@muslaw.com](mailto:tma@muslaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SYSTEMAX	Registered	<a href="#">77812096</a>	<a href="#">4078477</a>
Plaintiff(s)			

**Name:** Systemax, Inc.

**Correspondent** LAURA GOLDBARD GEORGE

**Address:** STROOK & STROOK & LAVAN LLP  
180 MAIDEN LANE  
NEW YORK NY UNITED STATES , 10038-4982

Correspondent e-mail: [lgoldbard@stroock.com](mailto:lgoldbard@stroock.com) , [tn@stroock.com](mailto:tn@stroock.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SYSTEMAX	Section 8 and 15 - Accepted and Acknowledged	<a href="#">75983590</a>	<a href="#">3265407</a>
SYSTEMAX	Section 8 and 15 - Accepted and Acknowledged	<a href="#">75373437</a>	<a href="#">3534396</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 23, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 23, 2010	Feb 01, 2011
3	PENDING, INSTITUTED	Dec 23, 2010	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jan 25, 2011	
5	EXTENSION OF TIME GRANTED	Jan 25, 2011	
6	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 01, 2011	
7	EXTENSION OF TIME GRANTED	Apr 01, 2011	
8	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	May 31, 2011	
9	EXTENSION OF TIME GRANTED	May 31, 2011	
10	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jul 27, 2011	
11	EXTENSION OF TIME GRANTED	Jul 28, 2011	
12	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 29, 2011	
13	EXTENSION OF TIME GRANTED	Aug 29, 2011	
14	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Oct 28, 2011	
15	EXTENSION OF TIME GRANTED	Oct 28, 2011	
16	WITHDRAWAL OF OPPOSITION	Nov 29, 2011	
17	BD'S DECISION: DISMISSED W/O PREJUDICE	Nov 30, 2011	
18	TERMINATED	Nov 30, 2011	



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**Mark:** SYSTEMAX



**US Serial Number:** 85964929

**Application Filing Date:** Jun. 20, 2013

**US Registration Number:** 4630759

**Registration Date:** Nov. 04, 2014

**Register:** Principal

**Mark Type:** Trademark

**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Status Date:** Nov. 04, 2014

**Publication Date:** Aug. 19, 2014

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## Mark Information

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**Mark Literal Elements:** SYSTEMAX

**Standard Character Claim:** No

**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

**Description of Mark:** The mark consists of the wording "SYSTEMAX" in the color blue with a red arch extending above the wording.

**Color Drawing:** Yes

**Color(s) Claimed:** The color(s) blue and red is/are claimed as a feature of the mark.

**Design Search Code(s):** 26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s)  
26.17.05 - Bands, horizontal; Bars, horizontal; Lines, horizontal; Horizontal line(s), band(s) or bar(s)  
26.17.09 - Bands, curved; Curved line(s), band(s) or bar(s); Bars, curved; Lines, curved

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## Foreign Information

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**Foreign Registration Number:** 010763845

**Foreign Registration Date:** Sep. 05, 2012

**Application/Registration Country:** EUROPEAN (EU) OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (OHIM)

**Foreign Expiration Date:** Mar. 28, 2022

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## Goods and Services

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**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*.\* identify additional (new) wording in the goods/services.

**For:** Computer peripherals, computer accessories, namely, computer mouse, keyboards, monitors, computer software for use in database management, radios, home theater equipment, namely, TVs, cameras; cellular phones; telephones; fax machines, video equipment and audio equipment, namely, stereos and speakers; batteries; portable electronic devices and related accessories, namely, chargers; converters and power adapters, network media players; digital photo frames

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 038

**Class Status:** ACTIVE

**Basis:** 44(e)

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## Basis Information (Case Level)

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**Filed Use:** No

**Currently Use:** No

**Amended Use:** No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: Yes

Currently 44E: Yes

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

## Current Owner(s) Information

Owner Name: Systemax Inc.

Owner Address: 11 Harbor Park Drive  
Port Washington, NEW YORK 11050  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW YORK

## Attorney/Correspondence Information

### Attorney of Record - None

#### Correspondent

Correspondent Name/Address: CLAUDIA S. VALERA  
SYSTEMAX INC.  
11 HARBOR PARK DR  
PORT WASHINGTON, NEW YORK 11050-4656  
UNITED STATES

Phone: (305) 415-4403

Correspondent e-mail: [claudia.valera@syx.com](mailto:claudia.valera@syx.com) [claudia.valera@syx.com](mailto:claudia.valera@syx.com)

Correspondent e-mail Authorized: Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Nov. 04, 2014	REGISTERED-PRINCIPAL REGISTER	
Aug. 19, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 19, 2014	PUBLISHED FOR OPPOSITION	
Jul. 30, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 16, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Jul. 14, 2014	ASSIGNED TO LIE	69712
Jun. 26, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 12, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 11, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 11, 2014	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Apr. 29, 2014	NOTIFICATION OF FINAL REFUSAL EMAILED	
Apr. 29, 2014	FINAL REFUSAL E-MAILED	
Apr. 29, 2014	FINAL REFUSAL WRITTEN	77657
Apr. 02, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 01, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 01, 2014	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Feb. 17, 2014	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Feb. 17, 2014	LETTER OF SUSPENSION E-MAILED	6332
Feb. 17, 2014	SUSPENSION LETTER WRITTEN	77657
Jan. 18, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 17, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 17, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 15, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 15, 2013	NON-FINAL ACTION E-MAILED	6325
Oct. 15, 2013	NON-FINAL ACTION WRITTEN	77657

Sep. 29, 2013	ASSIGNED TO EXAMINER
Jul. 02, 2013	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK E-MAILED
Jul. 01, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM
Jun. 24, 2013	NEW APPLICATION ENTERED IN TRAM

77657

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## TM Staff and Location Information

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**TM Staff Information - None**

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Nov. 04, 2014

**Generated on:** This page was generated by TSDR on 2016-08-04 11:03:20 EDT

**Mark:** SYSTEMAX



**US Serial Number:** 86307091

**Application Filing Date:** Jun. 11, 2014

**US Registration Number:** 4687764

**Registration Date:** Feb. 17, 2015

**Register:** Principal

**Mark Type:** Service Mark

**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Status Date:** Feb. 17, 2015

**Publication Date:** Dec. 02, 2014

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## Mark Information

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**Mark Literal Elements:** SYSTEMAX

**Standard Character Claim:** No

**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

**Description of Mark:** The mark consists of the wording "SYSTEMAX" in the color blue with a red arch extending above the wording. The wording "MAX" has white horizontal bars throughout.

**Color Drawing:** Yes

**Color(s) Claimed:** The color(s) blue, red and white is/are claimed as a feature of the mark.

**Design Search Code(s):** 26.17.09 - Bands, curved; Lines, curved; Curved line(s), band(s) or bar(s); Bars, curved

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## Related Properties Information

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**Claimed Ownership of US Registrations:** 3265407, 3534396

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## Foreign Information

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**Foreign Registration Number:** 010763845

**Foreign Registration Date:** Sep. 05, 2012

**Application/Registration Country:** EUROPEAN (EU) OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (OHIM)

**Foreign Expiration Date:** Mar. 28, 2022

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## Goods and Services

---

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

**For:** Online retail store services in the fields of consumer electronics, computers, computer peripherals, computer accessories, computer software, radios, satellite radios and related accessories, home theater equipment, photographic equipment, cellular phones and accessories, telephones and accessories, house wares and household appliances, fax machines, video equipment, audio equipment, portable electronic devices and related accessories, home office products, imaging equipment, firewall network security appliances, removable data storage components, converters and adapters, network media players, inks and toners, electronic musical instruments, power protection devices, video games and video game software, video game equipment and accessories, entertainment furniture, CDs, DVDs, CD and DVD burners, batteries, automotive audio equipment, digital photo frames

**International** 035 - Primary Class

**U.S Class(es):** 100, 101, 102

**Class(es):**

**Class Status:** ACTIVE

**Basis:** 44(e)

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** No

**Amended Use:** No

**Filed ITU:** No

**Currently ITU:** No

**Amended ITU:** No

**Filed 44D:** No

**Currently 44D:** No

**Amended 44D:** No

**Filed 44E:** Yes

**Currently 44E:** Yes

**Amended 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** SYSTEMAX INC.

**Owner Address:** 11 Harbor Park Drive  
Port Washington, NEW YORK 11050  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country** NEW YORK  
**Where Organized:**

## Attorney/Correspondence Information

**Attorney of Record - None**

**Correspondent**

**Correspondent Name/Address:** JENELLE BUSTO  
SYSTEMAX INC.  
11 HARBOR PARK DR  
PORT WASHINGTON, NEW YORK 11050-4656  
UNITED STATES

**Phone:** (305) 415-4403

**Fax:** (305) 415-4404

**Correspondent e-mail:** [jenelle.busto@syx.com](mailto:jenelle.busto@syx.com) [jenelle.busto@syx.com](mailto:jenelle.busto@syx.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Feb. 17, 2015	REGISTERED-PRINCIPAL REGISTER	
Dec. 02, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 02, 2014	PUBLISHED FOR OPPOSITION	
Nov. 12, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 27, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	66213
Oct. 23, 2014	ASSIGNED TO LIE	66213
Oct. 01, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 02, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 01, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 01, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 01, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 27, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 27, 2014	NON-FINAL ACTION E-MAILED	6325
Sep. 27, 2014	NON-FINAL ACTION WRITTEN	74819
Sep. 20, 2014	ASSIGNED TO EXAMINER	74819
Jun. 24, 2014	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Jun. 21, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 14, 2014	NEW APPLICATION ENTERED IN TRAM	

# TM Staff and Location Information

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TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Feb. 17, 2015